

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Calvin C. Caldwell, Jr.,

Case No. 1:15CV744

Petitioner

v.

ORDER

Al Lazaroff, Warden,

Respondent

This is a state prisoner's habeas case under 28 U.S.C. § 2254.

In 2014, a jury in the Richland County, Ohio, Court of Common Pleas convicted the petitioner, Calvin Caldwell, of cocaine trafficking, and the trial court imposed a thirty-month sentence. Caldwell took a direct appeal, but was unsuccessful. *State v. Caldwell*, 2014-Ohio-4486 (Ohio App.), *leave to appeal denied*, 142 Ohio St. 3d 1411 (2015) (table). He then sought habeas relief from this court. (Doc. 1).

Pending is Magistrate Judge Baughman's Report and Recommendation, which concluded that Caldwell's claims were either non-cognizable, defaulted, or without merit. (Doc. 46).

Caldwell, who is no longer in state custody, did not file an objection.¹ He has thereby waived his right to have me conduct a *de novo* determination of the R&R. *Amison v. Legg*, 2015 WL 853526, *1 (N.D. Ohio) (Lioi, J.); *see also Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (same).

¹ Because Caldwell was in custody when he filed the petition, my jurisdiction is secure.

It is, therefore,

ORDERED THAT:

1. The Magistrate Judge's Report and Recommendation (Doc. 46) be, and the same hereby is, adopted as the order of the court;
2. The petition for a writ of habeas corpus (Doc. 1) be, and the same hereby is, denied;
and
3. No certificate of appealability will issue.

So ordered.

/s/ James G. Carr
Sr. U.S. District Judge